

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present Application. Claims 1-18 are pending. Claims 1, 10, 12, and 18 are the independent claims. Claims 1-3, 5, 6, and 10-16 have been amended. Claim 18 is new.

#### **Rejection under 35 U.S.C. § 102(e):**

Claims 1-3, 5-10, and 12-17 stand rejected under 35 USC § 102(e), as anticipated by Moores (U.S. Patent Application Publication 2004/0201738 A1) [hereinafter "Moores"]. Applicant respectfully traverses this rejection.

#### **Independent Claims 1, 10, and 12:**

The Office Action cites Moores as disclosing the structure specified in independent Claims 1, 10, and 12. Applicant respectfully submits that the present invention and the prior art taught in Moores differ significantly. Claims 1, 10, and 12 have been amended to clarify the claims, and no new art has been added. Amended claims 1, 10, and 12, as well as new independent Claim 18, are patentably distinct from the invention taught in Moores at least for the following reasons:

Moores teaches that each individual carries an individual radio frequency identification (RFID) tag. The RFID identifies the individual and causes the image of that individual to be stored in a database file associated with that individual. See, Moores, Paragraphs [0020]-[0021]. In Moores, image data obtained by an imaging means, is sent to be stored in a database. A portable digital assistance (PDA) is only taught as an "access point" and as an alternative to a Kiosk where the images may be viewed. See, Moores, paragraph [0022]. Therefore, in Moores, if an individual desired to view an image, he or she would be required to wear an RFID and to go to a Kiosk or other access portal or to also carry a separate PDA. A PDA is taught as a mere alternative access point and as a device in addition to the separate RFID. As taught in Moores, the RFID is required to be carried by an individual, whereas the PDA is an option.

By contrast, in the present invention, the terminal device carried by the subject is the only device necessary. As specified in the independent claims, the terminal device comprises a wireless communication means, which may in one embodiment be an RFID tag or similar device, and a display means, which may in one embodiment be the screen of a PDA. Applicant respectfully notes that the present invention requires a terminal device, and the terminal device is the sole device carried by the individual.

In the present application, only the one device is required. Under the teaching of Moores, when a PDA is to be used, the individual was required to carry two devices. There is no suggestion in Moores to combine the devices and it is respectfully submitted that it would not have been obvious to do so to one of ordinary skill in the art at the time of the invention. Therefore, Applicant respectfully submits that the independent claims are patentably distinct over Moores and are in a condition for allowance.

**Dependent Claims 2-3, 5-9, and 13-17:**

Dependent Claims 2-3, 5-9, and 13-17 stand rejected under 35 USC § 102(e), as anticipated by Moores. Applicant respectfully traverses these rejections.

Claims 2-3, 5-9, and 13-17 depend from independent Claims 1, 10, and 12, and are allowable at least based on the allowability of the claims from which they depend.

**Rejection under 35 U.S.C. § 103(a):**

**Dependent Claim 4:**

Dependent Claim 4 stands rejected under 35 USC § 103(a), as obvious over Moores in view of Muroya, et al. (U.S. Patent Application Publication 2004/0148404 A1) [hereinafter ["Muroya"]]. Applicant respectfully traverses this rejection.

The Office Action acknowledges that Moores does not teach small capacity image data, and cites Muroya as teaching that element. Applicant respectfully submits that neither Moores nor Muroya, singularly or in combination, teaches or suggests the integrated combination elements claimed within the terminal device, which is the sole device carried by a user. Applicants therefore respectfully submits that the prior art references do not teach all of the elements of the claim, specifically the elements of independent claim 1.

Claim 4 depends from dependent Claim 3, which depends from independent Claim 1. Claim 4 is therefore allowable at least based on the allowability of the claims from which it depends, principally including the allowability of independent Claim 1, as urged by Applicant above.

**Dependent Claim 11:**

Dependent Claim 11 stands rejected under 35 USC § 103(a), as obvious over Moores in view of Zeps, et al. (U.S. Patent 6,937,154 B2) [hereinafter ["Zeps"]]. Applicant respectfully traverses this rejection.

The Office Action acknowledges that Moores does not teach an informing means, and cites Zeps as teaching that element. Applicant respectfully submits that neither Moores nor Zeps, singularly or in combination, teaches or suggests the integrated combination elements claimed within the terminal device, which is the sole device carried by a user. Applicants therefore respectfully submits that the prior art references do not teach all of the elements of the claim, specifically the elements of independent claim 10.

Claim 11 depends from independent Claim 10, and is therefore allowable at least based on the allowability of independent Claim 10, as urged by Applicant above.

**Conclusion**

Since the remaining patents cited in the Office Action have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

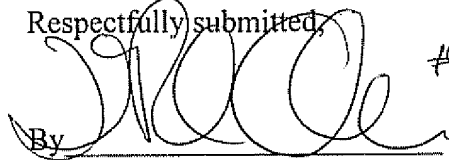
In view of the above remarks, it is believed that this Application is in condition for allowance and the Examiner is therefore requested to reexamine the Application and to pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 29, 2007

Respectfully submitted,

 #40,439  
By  
for Michael K. Mutter  
Registration No.: 29,680  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant